

[Dkt. Ents. 31 & 32]

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
CAMDEN VICINAGE

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THE ESTATE OF MAY ELIZABETH  
HUNISH, et al.,

Plaintiffs,

v.

ASSISTED LIVING CONCEPTS,  
INC.,

Defendant.

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Civil No. 09-3163 (RMB/AMD)

**ORDER**

THIS MATTER coming before the Court upon motions to compel arbitration and to dismiss, brought by defendant Assisted Living Concepts, Inc. (the "Defendant"), pursuant to the Federal Arbitration Act, 9 U.S.C. § 1 et seq., as well as Federal Rule of Civil Procedure 12(b)(6); and

THE COURT having received briefs in opposition to the motions by plaintiffs the Estate of May Elizabeth Hunish, Todd Buirch, and Warren Buirch (the "Plaintiffs"); and

THE COURT having considered the parties' written submissions; and

FOR THE REASONS stated in the accompanying Opinion,

**IT IS** on this, the 6th day of May 2010, hereby

**ORDERED** that the motion to compel arbitration [Dkt. Ent. 31] shall be **GRANTED IN PART** and **DENIED IN PART**; and it is further

**ORDERED** that the motion to dismiss shall be **DENIED WITHOUT PREJUDICE**; and it is finally

**ORDERED** that this case shall be **STAYED**; the Clerk of the Court shall **ADMINISTRATIVELY TERMINATE** this file until it is reopened upon application of the parties and Order of the Court.

s/Renée Marie Bumb  
RENÉE MARIE BUMB  
UNITED STATES DISTRICT JUDGE